

CARTER CENTER ELECTION OBSERVATION MISSION TO LIBERIA'S NATIONAL ELECTIONS, OCTOBER 2011
PRELIMINARY STATEMENT

The Oct. 11, 2011, presidential and legislative elections mark an important test for Liberia's transition from civil war to democratic, constitutional government. Despite considerable challenges, Carter Center observers reported that the voting process was peaceful, orderly, and remarkably transparent. Although the process of tabulating final results is ongoing and preliminary results have not been announced, the electoral process to date is a positive sign of Liberians' commitment to democratic development. All Liberians should await the announcement of final results by the National Elections Commission (NEC) and the resolution of formal complaints in order to ensure that the will of the people is expressed.

Key findings of the Carter Center mission in regard to the voting process include the following:

- On election day, voters and poll workers displayed considerable enthusiasm, patience, and a high level of civic engagement as they cooperated to make the voting process as smooth as possible. Voters queued in long lines to vote at 4,457 polling places across Liberia. In spite of concerns about the possibility of conflicts, election day was calm and free from reports of violence.
- Poll workers performed admirably, with a few exceptions, conducting themselves in an impartial and professional manner as they checked voters' names on the register, issued

- Although Carter Center observers noted a number of minor procedural irregularities during polling, none were considered significant enough to affect the overall integrity of the vote. Observed irregularities included polling places where secrecy of the ballot was not strictly maintained, inking procedures undertaken out of order, and ballot papers folded improperly.
- Carter Center observers noted

September to assess campaigning and election preparations.

BACKGROUND

The 2011 elections mark an important test for Liberia's transition from civil war to democratic, constitutional government. They are the second elections since the signing of the Comprehensive Peace Agreement (CPA) in 2003 and are widely seen as an opportunity to consolidate the peace and return Liberia to a path of political development consistent with the requirements of the constitution and Liberia's international obligations.

Elections held in October 2005 were conducted under the authority of the CPA with significant organizational and logistical assistance from the United Nations Mission in Liberia (UNMIL), following a two-year transitional government. Among other things, the CPA suspended certain constitutional requirements in order for the elections to go ahead. These requirements were reinstated after the inauguration of the current administration in January 2006. The elections in 1997 were also conducted under a special arrangement, due to the conditions surrounding the civil war. As a result, the 2011 election is the first in Liberia to be held under the country's 1986 constitution, as well as the first since the civil war in which the National Elections Commission (NEC) is responsible for organizing all aspects of the electoral process.

The challenge of organizing the 2011 elections was amplified by the need for constituency demarcation and preparations for a national referendum, held on August 23, 2011, after a prolonged political process and extensive political negotiation which compressed the electoral timetable. The late organization of the referendum meant that crucial aspects of the legal framework, including candidacy requirements, the system for determining the outcome of legislative elections, and the date of the poll remained uncertain until just weeks before the election.

LEGAL FRAMEWORK

The Political and Electoral System. According to the Constitution, Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and Judiciary. The 2011 elections were held for the offices of President and Vice President, along with seats for the 73 member House of Representatives and 15 of 30 Senate seats.¹ A runoff in the presidential

¹ Joint resolution LEG-

prohibited. Political parties and candidates cannot utilize public resources for campaign activities nor can they receive any contribution resulting from an abuse of state resources.

Elections expenses are limited to two million USD per candidate for the presidential contest, one million USD for vice president, six hundred thousand USD for senate and four hundred thousand USD for the house.

Fifteen days after the announcement of final results the political party or candidate must file a report detailing contributions and expenses. In case a candidate or political party participates in a run-off election the required reports is submitted fifteen (15) days after the announcement of final results of the run-off election. The NEC is required to make all campaign finance reports available for public inspection at the NEC office in Monrovia during regular working hours.

An Audit Committee, establish by the NEC, may within sixty (60) days of an election, complete a certified audit of the book of accounts of any political party or candidate. Upon the completion of the audit period, the Audit Committee presents its results to the NEC. The NEC can accept or reject, in whole or in part, the findings of the Audit Committee within ten (10) days of the presentation of those findings. In the event that findings of irregularities are upheld, administrative sanctions for “election infractions” or “election offenses,” can be levied by the NEC. They may report violations which constitute “election offenses” to the Ministry of Justice for enforcement or prosecution as the case may be.

Obligations for Democratic Elections. Liberia has ratified several international treaties including the International Covenant on Civil and Political Rights and the UN Convention against Corruption. Liberia has also ratified a number of regional treaties including the African Charter on Human and Peoples’ Rights and the African Union Convention on Preventing and Combating Corruption. Liberia is a signatory to the Universal Declaration of Human Rights and the African Charter on Democracy, Elections and Governance. It is against these commitments, reflected in the Liberian Constitution, as well as the Liberian electoral law, that The Carter Center assesses Liberia’s elections.

ELECTION ADMINISTRATION

An independent

(LNP) supplemented by officers from the Bureau of Immigration and Naturalization (BIN), with support from UNMIL.

The current NEC was established in 2004 and is directed by a Chairman and supported by an Executive Director and an Administrative Division. The commission has offices in 19 magisterial areas in 15 counties. There are 1780 precincts that also served as voter registration centers during the registration period. Within these precincts, 4457 polling places were established across the

Voter Education Activities. An urgent need for strengthening voter education was recognized by

names from the voter roll.⁹ Instead, NEC produced a separate list of possible underage voters for several areas, including parts of Lofa country, designed to facilitate the identification of potential underage voters on election day.

Problems were also reported by the National Muslim Council, which complained to the NEC that members of the Mandingo ethnic group were being prevented from registering on the basis of nationality. At the same time, there were allegations that Mandingo from Guinea crossed the border to register illegally in Liberia. While unable to verify these reports, The Carter Center notes that the protection of religious and ethnic minorities is critical to a democratic society.¹⁰

Voter registration rolls.

staff did not explain to each voter how to properly mark the ballot as outlined in the training manual.

Identification procedures were followed and measures to prevent multiple voting were properly undertaken in the majority of polling stations observed. In 10 percent of polling places, observers reported that polling staff failed to check the index finger for ink before locating the voter's name in the registration roll. However, this was checked by polling staff before applying the ink.

Based on Carter Center observations, the issue of underage voters, which was raised by several parties as a potential problem, did not appear to be a significant concern on election day.¹⁴

Secrecy of the Ballot. Carter Center observers reported that secrecy of the ballot could not be adequately ensured in 8 percent of polling places observed. In most cases this resulted from inadequate space in the polling place or assistance provided by the presiding officer.

Party Agents.

MEDIA ENVIRONMENT

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.²¹ The Carter Center did not conduct a comprehensive analysis of media coverage during the pre-election period. However, Carter Center observers reported complaints from some political parties that media outlets used discriminatory pricing to discourage equal access to the media. In addition, the Carter Center notes complaints by journalists that they were intimidated by political party officials during campaigning, including a case where a journalist was forced to delete photographs taken at a CDC rally in Nimba County. The impartiality and independence of the press remain issues of concern to all stakeholders in the electoral process. The Carter Center

society to deploy several thousand observers to monitor polling and counting on election day, including 2,000 domestic observers under the umbrella of the Election Coordinating Committee (ECC).

Carter Center observers noted the presence of ECC observers at 57 percent of polling places visited. Representatives of the Liberian Council of Churches were present at 14 percent. Overall, we noted the presence of domestic observers at 75 percent of polling places visited across the country. The Carter Center welcomes statements on the electoral process by the ECC, the Mano

(NDPL). After a public hearing on September 14, the Court ruled that the invalid ballots did not constitute votes and therefore should not have been included when calculating the results of the referendum. Once the invalid votes were excluded proposition four achieved the necessary two thirds to pass resulting in the amendment of article 83(b) of the Constitution and changing the system for legislative elections from an absolute majority to a simple majority. This eliminated the need for a second round as the person who obtains a simple majority in the first round is declared the winner.

Another challenge was filed by the Movement for Progressive Change (MPC) against the NEC's decision to register six of the candidates for president. The complainant alleged that the candidates did not meet the Constitutional ten-year residency requirement for being President.²⁶ The Court ruled that because Article 52(c) was suspended in 2004 and reinstated in 2006, the ten-year residency requirement would not apply until 2016, by which time a ten-year constitutional period will have passed.²⁷

THE CARTER CENTER'S ELECTION O